

## REMARKS/ARGUMENTS

### *Status of the Claims*

Claims 1-38 are pending in the present application. Claims 7, 14-18, 23, 28-30 and 37-38 have been withdrawn from consideration. Claim 1 has been amended for clarity. No new matter has been added by this amendment and entry of the amendment is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

### *Claim Rejections under 35 U.S.C. § 102(b)*

Claims 1-6, 8-13, 19-22, 24-27 and 31-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Daniel *et al.* (6,001,118), hereinafter “Daniel.” The Examiner contends that all the limitations of the claims are disclosed in Daniel in at least Figs. 19 and 23B. Applicants aver that the rejection is improper because Daniel fails to teach each and every element recited in claim 1. Besides Applicants disagreement with the Examiner’s contention that Daniel’s item 288 may be considered a latch, as such element is taught and claimed in the application, Daniel contains no explicit or inherent teaching of a latch element, or item 288, being fixed to a guidewire, as required by claim 1, in part:

... at least one latch fixed to the guidewire distal region and being  
releasably engageable with the proximal end of the capture element  
... (emphasis supplied)

Daniel’s item 288 is described variously as a movable plunger, a movable collar, or a slidable collar (see col. 11, line 51 - col. 12, line 33). Collar 288 is not fixed to any element that corresponds to a guidewire, as required in Applicants’ claim 1. Rather, Daniel teaches that collar 288 slides within tube 286, and slides over core wire 284 (*ibid.*).

Collar 288 is also is not operable to be releasably engageable with the proximal end of a capture element, as is required in claim 1. Instead, Daniel teaches that collar 288

is fixedly coupled to a capture element, specifically to proximal end 302 of expandable member 290 (ibid.). Therefore, in view of the above arguments, which are directed to structural limitations of claim 1, Daniel fails to teach each and every element recited in claim 1.

All other rejected claims, specifically claims 2-6, 8-13, 19-22, 24-27 and 31-36 depend directly or indirectly from claim 1 and are patentable for at least the reasons discussed above regarding claim 1.

In view of the above amendments and remarks, Applicants respectfully request that the Examiner reconsider the outstanding rejections and that they be withdrawn.

### CONCLUSION

Applicants believe that a full and complete response has been made to the outstanding Final Office Action and, as such, the present Application is in condition for allowance. Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Dated this 16th day of August, 2004.

Respectfully submitted,



Catherine C. Maresh  
Attorney for Applicant  
Registration No. 35,268

Medtronic Vascular, Inc.  
3576 Unocal Place  
Santa Rosa, California 95403  
Fax: (707) 543-5420